

Attachment

MEMORANDUM FOR: Secretarial Officials  
Heads of Operating Units  
Heads of Department Offices

FROM: Donald L. Evans  
Secretary of Commerce

DATE: February 16, 2001

SUBJECT: Congressional Testimony, Hill Visits, Views on  
Legislation, and Other Miscellaneous Congressional  
Correspondence

This memorandum provides guidance to all Department of Commerce employees on procedures to be followed on matters related to Congressional relations, including visits to the Hill, the presentation of views on legislation, and correspondence and telephone calls to and from the Hill. I appreciate your full cooperation in ensuring that all members of your respective organizations comply with this guidance.

(1) Testimony. The Assistant Secretary for Legislative and Intergovernmental Affairs (OLIA) is the focal point for all matters dealing with Congressional relations. All requests (whether written or oral) for a witness from the Office of the Secretary to appear before a Congressional Committee shall immediately be brought to the attention of OLIA. Based on consultation with other Departmental officials, OLIA shall make a recommendation to the Secretary or Deputy Secretary whether to accept an invitation to testify, and if not, whether any other official shall represent the Department at a hearing. It shall be the responsibility of agency heads to respond to Congressional requests for an agency witness to testify. Those decisions should be made in consultation with the agency Congressional Affairs director. In addition, OLIA must be consulted before an agency's decision to testify is conveyed to the Hill.

With the exception of appropriations hearings, the Office of the General Counsel (OGC), in consultation with OLIA, will continue to coordinate the preparation of testimony and briefing materials for all hearings at which the Secretary or Deputy Secretary will appear. OGC will also coordinate the clearance of testimony given by all Departmental witnesses. In the case of appropriations hearings, the Office of the Assistant Secretary for Administration, in consultation with OLIA and OGC, will coordinate the preparation of testimony and briefing materials, and the clearance of testimony. Deadlines established by OGC and OLIA for preparation of testimony and briefing materials shall be given top priority and be strictly followed.

(2) Congressional Visits/Inquiries on DOC Business. No official of the Department shall visit or

brief a member of Congress, or the staff of a member of Congress or a Congressional Committee, on matters involving the Department of Commerce without first informing OLIA. All Congressional scheduling requests should be coordinated with your agency's Congressional Affairs director. Any official who visits or meets with a member of Congress shall be accompanied by a representative of OLIA. Any telephone conversation with a member of Congress or Congressional staff is to be reported to the agency's Congressional Affairs Office.

(3) Legislative Views. Requests from all sources for the views of the Department on pending or proposed legislation are to be referred to the OGC and directed to the Assistant General Counsel for Legislation and Regulation. OGC, in consultation with OLIA, will be responsible for the preparation and clearance of any letter or report that expresses the view of the Department on legislative matters. Unless otherwise specified, any letter or report to the Congress, or another Executive Branch agency, including OMB, that expresses the Department's views on pending or proposed legislation will be signed by the General Counsel. In addition, no person shall provide advice to the Congress formally or informally on the legal adequacy or sufficiency of provisions in appropriations bills that has not been personally cleared by the General Counsel or his designee.

(4) Congressional Phone Calls. All requests for the Secretary or Deputy Secretary to place a phone call to a member of Congress shall first be referred to OLIA for consideration. Agency heads should make every effort to alert OLIA to phone calls that members of Congress may intend to place to the Secretary or Deputy Secretary with regard to pending Commerce matters.

Proposed Standard Operating Procedure